

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 561

Introduced by Brown, 6

Read first time January 19, 1999

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to amend sections
2 32-510, 85-103, 85-103.01, 85-301, 85-1401, 85-1402,
3 85-1404, 85-1409 to 85-1416, and 85-1418 to 85-1420,
4 Reissue Revised Statutes of Nebraska; to provide intent;
5 to create the Higher Education Board of Regents; to
6 eliminate the Board of Regents of the University of
7 Nebraska, the Board of Trustees of the Nebraska State
8 Colleges, and the Coordinating Commission for
9 Postsecondary Education; to provide and transfer powers;
10 to harmonize provisions; to provide operative dates; and
11 to repeal the original sections.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The purpose of this legislative bill is
2 to reflect the intent of the Legislature in passing and providing
3 implementing legislation for a constitutional amendment that will
4 provide for the streamlining of public postsecondary education in
5 Nebraska by eliminating the Board of Regents of the University of
6 Nebraska, the Board of Trustees of the Nebraska State Colleges, and
7 the Coordinating Commission for Postsecondary Education and
8 creating in their place a single board, the Higher Education Board
9 of Regents. It is the intent of the Legislature that the Higher
10 Education Board of Regents shall be the successor of all rights and
11 interests of the Board of Regents of the University of Nebraska and
12 the Board of Trustees of the Nebraska State Colleges.

13 (2) Upon the passage of the constitutional amendment, the
14 Education Committee of the Legislature shall introduce legislation
15 to implement the constitutional amendment. Among other items, the
16 legislation shall eliminate references to the obsolete boards and
17 commission and shall transfer powers and duties to the Higher
18 Education Board of Regents.

19 Sec. 2. Section 32-510, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 32-510. The State of Nebraska is divided into ~~eight~~
22 elected districts for ~~the election of the Board of Regents of the~~
23 ~~University of Nebraska~~ board of regents as provided and described
24 in sections 85-103.01 and 85-103.02. For regents elected prior to
25 statewide general election in 2002: (1) One regent from district
26 number one and one regent from district number two shall be elected
27 at the statewide general election in 1996 and each six years
28 thereafter; (2) one - One regent from district number six and one

1 regent from district number seven shall be elected at the statewide
2 general election in 1992 and each six years thereafter; and (3) one
3 ~~one~~ regent from district number three, one regent from district
4 number four, one regent from district number five, and one regent
5 from district number eight shall be elected at the statewide
6 general election in 1994 and each six years thereafter. ~~The~~
7 ~~regents shall serve for terms of six years or until their~~
8 ~~successors are elected and qualified.~~ The members representing
9 districts six and seven on September 6, 1991, shall thereafter
10 represent districts seven and six, respectively. For regents
11 elected during or after the statewide general election in 2002: (a)
12 One regent from the first congressional district and one regent
13 from the third congressional district shall be elected at the
14 statewide general election in 2002 and each six years thereafter;
15 (b) one regent from the second congressional district and one
16 regent from the third congressional district shall be elected at
17 the statewide general election in 2004 and each six years
18 thereafter; and (c) one regent from the first congressional
19 district, one regent from the second congressional district, and
20 one regent from the at-large district shall be elected at the
21 statewide general election in 2006 and each six years thereafter.
22 The elected regents shall serve for terms of six years or until
23 their successors are elected and qualified. The elected regents
24 shall be elected on the nonpartisan ballot.

25 Sec. 3. Section 85-103, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 85-103. ~~The~~ Until the statewide general election in
28 2002, the general government of the University of Nebraska shall be

1 vested in a board of eight regents elected from districts as
2 provided in section 32-510. For and after the statewide general
3 election in 2002, the general government of the University of
4 Nebraska and the Nebraska State Colleges shall be vested in board
5 of elected and appointed regents from districts provided in section
6 32-510 and section 5 of this act, and the terms of such regents
7 shall commence on the fourth Thursday in January. Vacancies
8 occurring in on the board of elected regents shall be filled as
9 provided in section 32-567. Vacancies occurring on the board of
10 appointed regents shall be filled for the remainder of the
11 unexpired term in the same manner as the regular appointment
12 provided in section 5 of this act.

13 Sec. 4. Section 85-103.01, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 85-103.01. (1) For the purpose of section 85-103, the
16 state is divided into eight districts until the statewide general
17 election in 2002. The limits and designations of the eight
18 districts shall be as follows:

19 District No. 1. That part of Lancaster County not
20 included in regent district 4 and regent district 5;

21 District No. 2. That part of Douglas County beginning at
22 the intersection of the Douglas-Sarpy County line and 168th Street,
23 north on 168th Street to West Center Road, east on West Center Road
24 to Hendricks Road, north on Hendricks Road to a point on an
25 east-west line extending from a point halfway between Woolworth
26 Avenue and Pine Street on 158th Street, east along such line to
27 158th Street, north on 158th Street to Woolworth Avenue, north on
28 Woolworth Avenue to 155th Street, north on 155th Street to Pacific

1 Street, east on Pacific Street to 90th Street, north on 90th Street
2 to Western Avenue, east and south on Western Avenue to 72nd Street,
3 north on 72nd Street to Hamilton Street, east on Hamilton Street to
4 33rd Street, north on 33rd Street to Charles Street, east on
5 Charles Street to 22nd Street, south on 22nd Street to Charles
6 Street, east on Charles Street to 21st Street, north on 21st Street
7 to Charles Plaza, east on Charles Plaza to 20th Street, north on
8 20th Street to Charles Street, east on Charles Street to 16th
9 Street, south on 16th Street to Nicholas Street, east on Nicholas
10 Street to 11th Street, north on 11th Street to Seward Street, east
11 on Seward Street to 6th Street, south and east on 6th Street to
12 Abbott Drive, north on Abbott Drive to the Grace Street Outfall,
13 south along the Grace Street Outfall to the Missouri River, north
14 along the Missouri River to the Douglas-Washington County line,
15 west along the Douglas-Washington County line to the Platte River,
16 south along the Platte River to the Douglas-Sarpy County line, and
17 east along the Douglas-Sarpy County line to the point of beginning;

18 District No. 3. The counties of Cedar, Dixon, Dakota,
19 Wayne, Thurston, Madison, Stanton, Cuming, Burt, Platte, Colfax,
20 Dodge, and Washington;

21 District No. 4. The counties of Sarpy, Cass, Otoe,
22 Johnson, Nemaha, Pawnee, and Richardson, that part of Douglas
23 County beginning at the intersection of 42nd and Harrison Streets,
24 north on 42nd Street to Q Street, west on Q Street to 42nd Street,
25 north on 42nd Street to F Street, east on F Street to the
26 Burlington Northern Railroad right-of-way, north along the
27 Burlington Northern Railroad right-of-way to Interstate Highway 80,
28 east on Interstate Highway 80 to the Missouri River, south along

1 the Missouri River to Harrison Street, and west on Harrison Street
2 to the point of beginning, and that part of Lancaster County which
3 includes the precincts of Lancaster, Stevens Creek, Grant 1, Grant
4 2, Grant 3, Stockton, Saltillo 1, Saltillo 2, Nemaha, Buda, South
5 Pass, and Panama;

6 District No. 5. The counties of Polk, Butler, Saunders,
7 York, Seward, Gosper, Phelps, Kearney, Adams, Clay, Fillmore,
8 Saline, Harlan, Franklin, Webster, Nuckolls, Thayer, Jefferson, and
9 Gage and that part of Lancaster County which includes the precincts
10 of Elk, Middle Creek, Denton, Yankee Hill, Highland, Centerville,
11 and Olive Branch;

12 District No. 6. The counties of Hamilton, Merrick,
13 Nance, Boone, Antelope, Pierce, Knox, Boyd, Holt, Wheeler, Greeley,
14 Howard, Hall, Buffalo, Sherman, Valley, Garfield, Loup, Rock, Keya
15 Paha, Brown, Blaine, and Custer;

16 District No. 7. The counties of Furnas, Red Willow,
17 Hitchcock, Dundy, Chase, Hayes, Frontier, Dawson, Lincoln, Perkins,
18 Keith, Deuel, Cheyenne, Kimball, Banner, Scotts Bluff, Morrill,
19 Garden, Arthur, McPherson, Logan, Thomas, Hooker, Grant, Cherry,
20 Sheridan, Dawes, Box Butte, and Sioux; and

21 District No. 8. That part of Douglas County not included
22 in regent district 2 and regent district 4.

23 (2) For purposes of section 85-103, the state shall be
24 divided into appointed and elected districts for the Higher
25 Education Board of Regents beginning with the statewide general
26 election in 2002. Members of the former Board of Regents of the
27 University of Nebraska shall continue to serve as a regent under
28 the Higher Education Board of Regents until their terms expire.

1 For any regent elected to the Higher Education Board of Regents at
2 or after the statewide general election in 2002, the limits and
3 designations of the districts shall be as follows: Three districts
4 based on congressional district boundaries as set forth in section
5 32-504 and one at-large district. Each district based on
6 congressional district boundaries shall be represented by two
7 elected regents. Regents shall be elected on a staggered basis as
8 provided in section 32-510. For the terms of regents which begin
9 in 2007 the Higher Education Board of Regents shall not contain any
10 regents elected to the Board of Regents of the University of
11 Nebraska and the Higher Education Board of Regents shall be
12 composed for seven appointed and seven elected regents.

13 Sec. 5. Beginning with the year 2003, the Governor shall
14 appoint on a staggered basis regents to the Higher Education Board
15 of Regents with the approval of a majority of the members of the
16 Legislature.

17 Each appointed regent shall serve a six-year term.
18 Appointed regents shall represent districts as follows: Three
19 districts based on congressional district boundaries as designated
20 in section 32-504 and one at-large district. Each district based
21 on congressional district boundaries shall be represented by two
22 appointed regents. For terms commencing in 2003 and every six
23 years thereafter, one regent from the first congressional district
24 and one regent from the second congressional district shall be
25 appointed. For terms commencing in 2005 and every six years
26 thereafter, one regent from the first congressional district and
27 one regent from the third congressional district shall be
28 appointed. For terms commencing in 2007 and every six years

1 thereafter, one regent from the second congressional district, one
2 regent from the third congressional district, and one regent from
3 an at-large district shall be appointed. A regent appointed
4 pursuant to this section may be removed by the Governor for
5 misfeasance, malfeasance, or willful neglect of duty or other cause
6 after notice and a public hearing unless notice and hearing are
7 expressly waived in writing by the regent.

8 Sec. 6. Section 85-301, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 85-301. The existing institutions known as the state
11 colleges located at Chadron, Peru, and Wayne shall hereafter be
12 known and designated as Chadron State College, Peru State College,
13 and Wayne State College, respectively. The general government
14 thereof shall be vested, under the direction of the Legislature, in
15 the Higher Education Board of Regents. a board of seven members,
16 to be known as the Board of Trustees of the Nebraska State
17 Colleges, six of whom shall be appointed by the Governor, with the
18 advice and consent of the Legislature, two each for terms of two,
19 four, and six years and two each biennium thereafter for terms of
20 six years, and the Commissioner of Education shall be a member ex
21 officio. The duties and powers of the board shall be prescribed by
22 law, and the members thereof shall receive no compensation for the
23 performance of their duties but may be reimbursed their actual
24 expenses incurred therein, except that members of the Board of
25 Trustees of the Nebraska State Colleges shall not be entitled to
26 reimbursement for mileage or other traveling expense as part of
27 their actual expenses except on the basis provided for in sections
28 81-1174 to 81-1177.

1 Sec. 7. Section 85-1401, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 85-1401. Sections 85-1401 to 85-1420 shall be known and
4 may be cited as the ~~Coordinating Commission for~~ Postsecondary
5 Education Coordination Act.

6 Sec. 8. Section 85-1402, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 85-1402. For purposes of the ~~Coordinating Commission for~~
9 Postsecondary Education Coordination Act:

10 ~~(1)(a)~~ (1) Board shall mean the Higher Education Board of
11 Regents;

12 (2)(a) Capital construction project shall mean a project
13 which utilizes tax funds designated by the Legislature and shall
14 be: Any proposed new capital structure; any proposed addition to,
15 renovation of, or remodeling of a capital structure; any proposed
16 acquisition of a capital structure by gift, purchase,
17 lease-purchase, or other means of construction or acquisition that
18 (i) will be directly financed in whole or in part with tax funds
19 designated by the Legislature totaling at least the minimum capital
20 expenditure for purposes of this subdivision or (ii) is likely, as
21 determined by the institution, to result in an incremental increase
22 in appropriation or expenditure of tax funds designated by the
23 Legislature of at least the minimum capital expenditure for the
24 facility's operations and maintenance costs in any one fiscal year
25 within a period of ten years from the date of substantial
26 completion of the project. No tax funds designated by the
27 Legislature shall be appropriated or expended for any incremental
28 increase of more than the minimum capital expenditure for the costs

1 of the operations and utilities of any facility which is not
2 included in the definition of capital construction project and thus
3 is not subject to ~~commission~~ board approval pursuant to the
4 ~~Coordinating Commission for~~ Postsecondary Education Coordination
5 Act. No institution shall include a request for funding such an
6 increase in its budget request for tax funds designated by the
7 Legislature nor shall any institution utilize any such funds for
8 such an increase. The Governor shall not include in his or her
9 budget recommendations, and the Legislature shall not appropriate,
10 such funds for such increase.

11 (b) For purposes of this subdivision:

12 (i) Directly financed shall mean funded by:

13 (A) Appropriation of tax funds designated by the
14 Legislature for the specific capital construction project;

15 (B) Property tax levies used to establish a capital
16 improvement and bond sinking fund pursuant to section 85-1515; or

17 (C) That portion of tax funds designated by the
18 Legislature and appropriated by the Legislature for the general
19 operation of the public institution and utilized to fund the
20 capital project;

21 (ii) Incremental increase shall mean an increase in
22 appropriation or expenditure of tax funds designated by the
23 Legislature of at least the minimum capital expenditure for a
24 facility's operations and maintenance costs, beyond any increase
25 due to inflation, to pay for a capital structure's operations and
26 maintenance costs that are a direct result of a capital
27 construction project; and

28 (iii) Minimum capital expenditure shall mean:

1 (A) For purposes of subdivision (a)(i) of this
2 subdivision, a base amount of two hundred thousand dollars; and

3 (B) For the facility's operations and maintenance costs
4 pursuant to subdivision (a)(ii) of this subdivision, a base amount
5 of fifty thousand dollars for any one fiscal year.

6 Both base amounts shall be subject to any inflationary or
7 market adjustments made by the commission pursuant to this
8 subdivision. The ~~commission~~ board shall adjust the base amounts on
9 a biennial basis beginning January 1, 1996. The adjustments shall
10 be based on percentage changes in a construction cost index and any
11 other published index relevant to operations and utilities costs,
12 both as selected by the ~~commission~~ board in cooperation with the
13 public institutions. The index or indices shall reflect
14 inflationary or market trends for the applicable operations and
15 maintenance or construction costs;

16 ~~(2) Commission shall mean the Coordinating Commission for~~
17 ~~Postsecondary Education;~~

18 (3) Education center shall mean an off-campus branch of a
19 public institution or cooperative of either public or public and
20 private postsecondary educational institutions which offers
21 instructional programs to students;

22 (4) ~~Governing board shall mean the Board of Regents of~~
23 ~~the University of Nebraska, the Board of Trustees of the Nebraska~~
24 ~~State Colleges, or the board of governors for each community~~
25 ~~college area;~~

26 ~~(5) Program shall mean any program of instruction which~~
27 ~~leads directly to a degree, diploma, or certificate and, for~~
28 ~~purposes of section 85-1414, shall include public service programs~~

1 and all off-campus instructional programs, whether or not such
2 programs lead directly to a degree, diploma, or certificate.
3 Program shall also include the establishment of any new college,
4 school, major division, education center, or institute but shall
5 not include reasonable and moderate extensions of existing
6 curricula which have a direct relationship to existing programs;

7 ~~(6)~~ (5) Public institution shall mean each campus of a
8 public postsecondary educational institution which is or may be
9 established by the Legislature, which is under the direction of a
10 ~~governing board~~ the board or board of governors of a community
11 college area, and which is administered as a separate unit by the
12 board; and

13 ~~(7)~~ (6) Tax funds designated by the Legislature shall
14 mean all state tax revenue and all property tax revenue.

15 Sec. 9. Section 85-1404, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 85-1404. The ~~purposes of the Coordinating Commission for~~
18 ~~Postsecondary Education established by Article VII, section 14, of~~
19 ~~the Constitution of Nebraska and section 85-1403~~ board shall be to
20 (1) develop an ongoing comprehensive statewide plan for the
21 operation of an educationally and economically sound, vigorous,
22 progressive, and coordinated system of postsecondary education, (2)
23 identify and enact policies to meet the educational, research, and
24 public service needs of the state, and (3) effect the best use of
25 available resources through the elimination of unnecessary
26 duplication of programs and facilities among Nebraska's public
27 institutions.

28 In carrying out its powers and duties, the ~~commission~~

1 board shall consider the need for diversity of public institutions
2 and the need for addressing regional needs but shall above all
3 reflect a commitment to a perspective in decisionmaking and
4 planning for postsecondary education which will best serve the
5 state as a whole consistent with the role and mission assignment of
6 each public institution.

7 The ~~commission~~ board shall work with the public
8 institutions to encourage and sustain their aspirations consistent
9 with the comprehensive statewide plan and in a manner designed to
10 achieve a vision of statewide postsecondary education. The
11 ~~commission~~ board shall not be an advocate for any one public
12 institution but shall strive for a balance and responsiveness among
13 all public institutions.

14 Sec. 10. Section 85-1409, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 85-1409. ~~(1) The members of the commission shall~~
17 ~~annually elect a chairperson and vice-chairperson from among their~~
18 ~~members.~~

19 ~~(2) The commission shall hold regular meetings at times~~
20 ~~specified in its rules and regulations. Special or additional~~
21 ~~meetings may be held on the call of the chairperson or upon the~~
22 ~~call of at least three members. A majority of the members shall~~
23 ~~constitute a quorum at all meetings. Commission action on any item~~
24 ~~shall require a majority of those present at meetings in which~~
25 ~~there is a quorum, except that~~ The adoption of the comprehensive
26 statewide plan, or any changes or alternatives thereto, required by
27 section 85-1413 and approval of a new program or disapproval of an
28 existing program pursuant to section 85-1414 shall require the

1 concurrence of a majority of the ~~members~~ regents.

2 Sec. 11. Section 85-1410, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 85-1410. In carrying out its duties, the ~~commission~~
5 board shall:

6 (1) Encourage initiatives and collaboration between
7 public institutions, public state and local entities, and private
8 state and local entities to increase the contribution of
9 postsecondary education in advancing Nebraska's economy;

10 (2) Encourage the governing boards and administrators of
11 public institutions to review instructional practices, curriculum
12 design and content, and related academic considerations to
13 facilitate improvements that enhance the quality of education in
14 the state;

15 (3) Encourage the interaction of public institutions with
16 elementary and secondary educational institutions to facilitate
17 joint planning initiatives regarding matters such as prior and
18 subsequent learning practices and content, class or credit
19 agreements for high school students enrolling in college-level
20 programs, and shared instructional assignments; and

21 (4) Develop any other program, activity, or function it
22 deems necessary to carry out its purposes pursuant to the
23 ~~Coordinating Commission for~~ Postsecondary Education Coordination
24 Act.

25 Sec. 12. Section 85-1411, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 85-1411. To assist it in carrying out its duties, the
28 ~~commission~~ board shall:

1 (1) Employ an executive director and all other employees
2 of the office of the ~~commission~~ board and hire consultants as may
3 be necessary and prescribe their duties;

4 (2) Except as may be provided pursuant to the State
5 Employees Collective Bargaining Act, fix the compensation of the
6 officers and employees of the office and provide benefits for all
7 present or future employees of the ~~commission~~ board, including
8 retirement benefits, group life insurance, group hospital-medical
9 insurance, and group long-term disability income insurance;

10 (3) Pay expenses for the recruitment of administrative
11 and professional personnel for the ~~commission~~ board; and

12 (4) Adopt and promulgate rules and regulations pursuant
13 to the Administrative Procedure Act or as otherwise provided in the
14 ~~Coordinating Commission for~~ Postsecondary Education Coordination
15 Act to carry out the ~~Coordinating Commission for~~ Postsecondary
16 Education Coordination Act and the powers and duties of the
17 ~~commission~~ board, except that for sections 85-1402 and 85-1413 to
18 85-1416, the provisions in section 84-908 for approval of the
19 adoption, amendment, or repeal of any rule or regulation by the
20 Governor shall not apply.

21 Sec. 13. Section 85-1412, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 85-1412. The ~~commission~~ board, in consultation with the
24 community colleges, shall have the following additional powers and
25 duties:

26 (1) Conduct surveys and studies it finds appropriate for
27 the purposes of the ~~Coordinating Commission for~~ Postsecondary
28 Education Coordination Act and request information from ~~governing~~

1 ~~boards and~~ appropriate administrators of public institutions and
2 other governmental agencies for research projects. All public
3 institutions and governmental agencies receiving state funds shall
4 comply with reasonable requests for information under this
5 subdivision;

6 (2) Recommend to the Legislature and the Governor
7 legislation it deems necessary or appropriate to improve
8 postsecondary education in Nebraska and any other legislation it
9 deems appropriate to change the role and mission provisions in
10 sections 85-121.05 and 85-917 to 85-966.01;

11 (3) Establish any advisory committees it finds will
12 assist the ~~commission~~ board in facilitating the performance of its
13 duties or in soliciting input from affected parties such as
14 students, faculty, ~~governing boards~~, administrators of the public
15 institutions, administrators of the private nonprofit institutions
16 of postsecondary education and proprietary institutions in the
17 state, and community and business leaders;

18 (4) Participate in or designate an employee or employees
19 to participate in any committee which may be created to prepare a
20 coordinated plan for the delivery of educational programs and
21 services in Nebraska through the telecommunications system;

22 (5) Seek a close liaison with the State Board of
23 Education and the State Department of Education in recognition of
24 the need for close coordination of activities between elementary
25 and secondary education and postsecondary education;

26 (6) Administer the Integrated Postsecondary Education
27 Data System or other information system or systems to provide the
28 ~~commission~~ board with timely, comprehensive, and meaningful

1 information pertinent to the exercise of its duties. The
2 information system shall be designed to provide comparable data on
3 each public institution. The ~~commission~~ board shall also
4 administer the uniform information system prescribed in sections
5 85-1421 to 85-1427 known as the Nebraska Educational Data System.
6 Public institutions shall supply the appropriate data for the
7 information system or systems required by the ~~commission~~ board;

8 (7) Administer the State Scholarship Award Program Act,
9 the Scholarship Assistance Program Act, and the Postsecondary
10 Education Award Program Act;

11 (8) Accept and administer loans, grants, and programs
12 from the federal or state government and from other sources, public
13 and private, for carrying out any of its functions. Such loans and
14 grants shall not be expended for any other purposes than those for
15 which the loans and grants were provided. The ~~commission~~ board
16 shall determine eligibility for such loans, grants, and programs,
17 and such loans and grants shall not be expended unless approved by
18 the Governor;

19 (9) Make recommendations to the State Board of Education
20 with regard to granting permits for the operation of correspondence
21 schools, privately owned business or trade schools, or other
22 educational institutions under the Private Postsecondary Career
23 School Act whenever any correspondence school, business school, or
24 vocational school offers any course which is intended to lead to
25 the granting of an associate degree, diploma, or certificate or any
26 course which qualifies for college credit;

27 (10) Pursuant to sections 85-1101 to 85-1104, authorize
28 out-of-state institutions of higher or postsecondary education to

1 offer courses or degree programs in this state;

2 (11) On or before October 1, 1994, and on or before
3 October 1 every two years thereafter, submit to the Legislature and
4 the Governor a report of its objectives and activities and the
5 implementation of any recommendations of the ~~commission~~ board for
6 the preceding two calendar years;

7 (12) Allocate state incentive funds among the public
8 institutions pursuant to any directives to the ~~commission~~ board in
9 the law providing for or authorizing such funds;

10 (13) Provide staff support for interstate compacts on
11 postsecondary education; and

12 (14) Request inclusion of the ~~commission~~ board in any
13 existing grant review process and information system.

14 Sec. 14. Section 85-1413, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 85-1413. (1) Pursuant to the authority granted in
17 Article VII, section 14, of the Constitution of Nebraska and the
18 Coordinating Commission for Postsecondary Education Act, the
19 ~~commission~~ The board shall establish and revise as needed a
20 comprehensive statewide plan for postsecondary education which
21 shall include (a) role and mission statements for each public
22 institution within any general assignments of role prescribed in
23 sections 85-121.05 and 85-917 to 85-966 and (b) a plan for
24 facilities which utilize tax funds designated by the Legislature.

25 (2) The planning process of the ~~commission~~ board shall be
26 policy-based and ongoing in order to achieve the best possible use
27 of available state resources for high quality and accessible
28 postsecondary educational services.

1 (3) In establishing the plan, the ~~commission~~ board shall
2 assess the postsecondary educational needs of the state in the
3 following areas:

4 (a) The basic and continuing needs of various age groups;

5 (b) Business and industrial needs for a skilled work
6 force;

7 (c) Demographic, social, and economic trends;

8 (d) The needs of the ethnic populations;

9 (e) College attendance, retention, and dropout rates;

10 (f) The needs of recent high school graduates and
11 place-bound adults;

12 (g) The needs of residents of all geographic regions; and

13 (h) Any other areas the ~~commission~~ board may designate.

14 (4) The plan shall provide a structure or process which
15 encourages and facilitates harmonious and cooperative relationships
16 between public and private postsecondary educational institutions
17 and shall recognize the role and relationship of elementary and
18 secondary education and private postsecondary educational
19 institutions in the state to postsecondary education.

20 (5) The ~~commission~~ board shall incorporate into the plan
21 provisions and policies to guide decisionmaking by the ~~commission~~
22 board pursuant to this section and sections 85-1414 and 85-1415.
23 The provisions and policies shall address issues which include, but
24 are not limited to:

25 (a) The facilitation of statewide transfer-of-credit
26 guidelines. ~~to be considered by institutional governing boards.~~
27 The statewide transfer-of-credit guidelines shall be designed to
28 facilitate the transfer of students among public institutions. The

1 statewide transfer-of-credit guidelines shall not require nor
2 encourage the standardization of course content and shall not
3 prescribe course content or credit value assigned by any public
4 institution to the courses;

5 (b) Admission standards. The ~~commission~~ board shall
6 develop general guidelines for admissions which recognize selective
7 and differentiated admission standards at public institutions and
8 which are consistent with the role and mission of each public
9 institution. It is the intent of the Legislature that changes in
10 admission standards be implemented in conjunction with the role and
11 mission statements established pursuant to this section and
12 sections 85-121.05 and 85-917 to 85-966 and the adoption of
13 statewide transfer-of-credit and remedial program policies to
14 assure that access to postsecondary education is not limited;

15 (c) Enrollment guidelines. The ~~commission~~ board shall
16 establish enrollment guidelines consistent with the role and
17 mission of each public institution and shall make specific
18 recommendations designed to increase diversity through more
19 effective enrollment and retention at public institutions;

20 (d) Tuition and fees. The ~~commission~~ board shall develop
21 guidelines for rational and equitable statewide tuition rates and
22 fees for public institutions. The ~~commission~~ board shall also
23 identify public policy issues relating to tuition and fees of the
24 public postsecondary educational institutions in the state. The
25 guidelines shall take into account the role and mission of each
26 public institution and the need to maximize access to public
27 postsecondary education regardless of a student's financial
28 circumstance;

1 (e) Remedial programs. In conjunction with and
2 consistent with its guidelines on admission standards, the
3 ~~commission board~~ shall develop guidelines which place the primary
4 emphasis at the community college level for postsecondary education
5 remedial programs and reduce the role of the University of Nebraska
6 in offering remedial programs. The ~~commission board~~ shall
7 collaborate with the Commissioner of Education to develop
8 recommendations for secondary schools designed to reduce the need
9 for remedial or developmental programs at the postsecondary level;

10 (f) Geographic and programmatic service areas. The
11 ~~commission board~~ shall define, after consultation with the
12 ~~governing boards the board of governors of each community college~~
13 ~~area~~, the geographic and programmatic service areas for each public
14 institution consistent with role and mission assignments. Except
15 as permitted by the ~~commission~~ Higher Education Board of Regents
16 pursuant to section 85-1414, ~~after July 1, 1992,~~ no public
17 institution shall provide programs at any site outside its assigned
18 geographic and programmatic service area unless permitted under
19 rules and regulations adopted and promulgated by the ~~commission~~
20 board;

21 (g) Institutional peer group. The ~~commission board~~
22 shall, after consultation with the ~~governing boards the board of~~
23 ~~governors of each community college area~~ and experts from outside
24 the State of Nebraska, establish a peer group or groups for each
25 public institution for purposes of budget review; ~~in fulfilling~~
26 ~~this charge, the commission may accept a peer group determined by a~~
27 ~~governing board in consultation with out-of-state experts,~~

28 (h) Telecommunications. The plan shall address and

1 facilitate the appropriate use of telecommunications to aid in the
2 delivery of instruction at the postsecondary level. In cooperation
3 with the Nebraska Educational Telecommunications Commission, other
4 state agencies, and, when appropriate, representatives of
5 elementary and secondary public education, the ~~commission~~ Higher
6 Education Board of Regents may assist in the development of
7 instructional delivery systems employing telecommunications. The
8 ~~commission board~~, with the involvement of faculties, public
9 institutions and private postsecondary educational institutions,
10 and the telecommunications community, shall establish policies to
11 ensure that the objectives of quality and efficiency are met in the
12 delivery of telecommunications-aided instruction;

13 (i) Economic development. The ~~commission board~~ shall, in
14 cooperation with Nebraska businesses, ~~governing boards~~ the board of
15 governors of each community college area, and the Department of
16 Economic Development, assist in the development of strategies and
17 plans for involvement of postsecondary education in the economic
18 development of the state. The ~~commission~~ Higher Education Board of
19 Regents and the cooperating entities shall explore methods to
20 improve the competitive quality of the work force and shall
21 encourage enhanced communications and partnerships between public
22 institutions and business and industry;

23 (j) Public service activities. The public institutions
24 shall develop and provide to the ~~commission board~~ a comprehensive
25 inventory of public service programs and activities of public
26 institutions; and

27 (k) Financial aid strategy. The ~~commission board~~ shall
28 develop a state strategy for state-supported student financial aid

1 programs with the goal of assuring access to and choice in
2 postsecondary education in Nebraska for Nebraska residents within
3 the limits of available state resources.

4 (6) The ~~commission~~ board shall develop a unified
5 statewide facilities plan with the assistance of the public
6 institutions and update the plan periodically.

7 Sec. 15. Section 85-1414, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 85-1414. (1) ~~Pursuant to the authority granted in~~
10 ~~Article VII, section 14, of the Constitution of Nebraska and the~~
11 ~~Coordinating Commission for Postsecondary Education Act, the~~
12 ~~commission~~ The board shall establish an ongoing process to review,
13 monitor, and approve or disapprove the new and existing programs of
14 public institutions and proposed capital construction projects
15 which utilize tax funds designated by the Legislature in order to
16 provide compliance and consistency with the comprehensive statewide
17 plan and to prevent unnecessary duplication.

18 (2)(a) ~~Governing boards~~ Public institutions shall submit
19 to the ~~commission~~ board all proposals for any new program ~~after the~~
20 ~~governing board has approved the program and prior to~~
21 ~~implementation of the program. New programs in a community college~~
22 ~~area shall first be approved by the board of governors prior to~~
23 ~~submission to the Higher Education Board of Regents. Except for~~
24 programs submitted for conditional approval by the ~~commission~~ board
25 pursuant to subdivision (b) of this subsection, the ~~commission~~
26 board shall have one hundred twenty days from the date the program
27 was submitted to disapprove a program or it shall stand approved.
28 The ~~commission~~ board shall establish a waiver process for specific,

1 short-term job training programs and short-term public service
2 programs as defined by the ~~commission~~ board. New programs
3 submitted for review may be approved or disapproved in whole or in
4 part and with or without recommended modifications based on
5 criteria established pursuant to subsection (7) of this section.

6 (b) ~~After approval of the program by the governing board,~~
7 ~~the governing board~~ Public institutions may submit a proposal for a
8 program which is not authorized by the role and mission provisions
9 of sections 85-121.05 and 85-917 to 85-966 to the ~~commission~~ board
10 for conditional approval. Within six months from its receipt of
11 the proposal, the ~~commission~~ board shall report to the Legislature
12 its recommendation in support for or opposition to the amendments
13 to the role and mission statutes that would be necessary for the
14 ~~commission~~ board to approve the program and for the institution to
15 offer the program. The time period for submission of the report
16 may be extended for up to six months by resolution of the
17 ~~commission~~ board which shall show good cause why the extent of
18 review required for this particular proposal necessitates an
19 extension of time to complete the review. Such extension shall be
20 filed with the chairperson of the Education Committee of the
21 Legislature prior to the expiration of the initial six months. The
22 report shall contain supporting rationale for the ~~commission's~~
23 board's position, such additional comments as the ~~commission~~ board
24 deems appropriate and, in the event the ~~commission~~ board supports
25 the amendments to the role and mission statutes, the ~~commission's~~
26 board's specific recommendation as to the form of such amendments.
27 Failure to timely file a report or resolution of extension with the
28 Legislature shall be deemed to be disapproval of the proposed

1 program and opposition by the ~~commission~~ board to the amendments to
2 the role and mission statutes the program would require. If the
3 report indicates support for the necessary amendments to the role
4 and mission statutes, the report shall also constitute the
5 ~~commission's~~ board's conditional approval of the program, unless
6 the report specifically indicates disapproval of the program. If
7 the necessary amendments to the role and mission statutes supported
8 by the ~~commission~~ board in its report to the Legislature are
9 subsequently enacted by the Legislature, the program shall stand
10 approved unless the ~~commission's~~ board's conditional approval is
11 rescinded prior to the implementation of the program. Nothing in
12 this section for conditional approval shall be construed to affect
13 the ~~commission's~~ board's future consideration of such proposal or
14 approval or disapproval of any programs affected by the proposal.

15 (3) Following approval of a new program, such program
16 shall be added to the schedule of existing programs to be reviewed
17 by the ~~commission~~ board. ~~Following consultation with the governing~~
18 ~~board,~~ new New programs approved by the ~~commission~~ board may also
19 be required to meet, within a reasonable time as stipulated by the
20 ~~commission~~ board, minimum performance standards established by the
21 ~~commission~~ board pursuant to its rules and regulations. If a
22 program fails to meet minimum performance standards, the ~~commission~~
23 board shall review the program and may continue or withdraw its
24 approval for the program.

25 (4) Existing programs shall be reviewed by the ~~commission~~
26 board pursuant to a program review process established by the
27 ~~commission~~ board. To the extent possible while still allowing for
28 timely review by the ~~commission~~ board, program review shall

1 coincide with institutional review and accreditation cycles. In
2 reviewing existing programs, the ~~commission~~ board may make use of
3 nonconfidential information and conclusions provided by
4 accreditation processes supplied to the ~~commission~~ board by the
5 institutions. All programs in existence prior to January 1, 1992,
6 shall be considered approved until the approval is confirmed or
7 withdrawn by the ~~commission~~ board pursuant to the program review
8 process conducted by the ~~commission~~ board.

9 (5) Existing programs which do not meet criteria
10 established by the ~~commission~~ board pursuant to subsection (7) of
11 this section shall be targeted for indepth review by the public
12 institutions. ~~and their governing boards.~~ In performing such
13 indepth review, institutions may make use of information and
14 conclusions provided by accreditation and other established and
15 ongoing academic review processes rather than providing for a
16 separate review process. Programs continued by the ~~governing~~
17 ~~boards~~ public institutions shall be further monitored by the
18 ~~governing board~~ public institutions which shall report the status
19 and process of the monitoring to the ~~commission~~ board. If the
20 ~~commission~~ board determines that a program does not merit
21 continuation, it shall hold a public hearing, following thirty
22 days' notice to the public institution, to consider if the program
23 should be continued. Following the hearing, the ~~commission~~ board
24 shall take action to approve or disapprove continuance of the
25 program.

26 (6) Existing programs disapproved for continuance by the
27 ~~commission~~ board shall be terminated by a public institution when
28 all students in the program on the date of the decision of the

1 ~~commission board~~ to disapprove continuance of the program have had
2 a reasonable opportunity, as determined by the ~~commission board~~, to
3 complete the program. Existing public service programs disapproved
4 for continuance by the ~~commission board~~ shall be terminated at the
5 end of the fiscal year in which the decision to disapprove is made.

6 (7) The ~~commission board~~ shall establish criteria for the
7 review, monitoring, and approval or disapproval of programs. The
8 criteria shall be designed to (a) assure that the ~~governing boards~~
9 public institutions promote the quality and effectiveness of
10 programs resulting in the viability of such programs, (b) meet
11 educational needs, and (c) assure efficiency and avoid unnecessary
12 duplication. Criteria shall include:

13 (i) Centrality to the role and mission of the public
14 institution;

15 (ii) Consistency with the comprehensive statewide plan;

16 (iii) Evidence of need and demand including, when
17 appropriate, quantifiable data or qualitative information or both
18 quantifiable data and qualitative information; and

19 (iv) Adequacy of resources to support the program.

20 The criteria shall not infringe on the prerogative of the
21 ~~governing boards~~ public institutions to make decisions on the
22 quality of staff and the design of curriculum.

23 (8) The ~~commission board~~ shall develop specific criteria
24 for review, monitoring, and approval or disapproval of
25 participation by any public institution in proposed or existing
26 education centers in addition to the criteria specified in this
27 section. Participation by a ~~public institution~~ community college
28 in an education center shall also be approved by the ~~governing~~

1 ~~board of such public institution~~ board of governors of the
2 community college area. The ~~commission~~ Higher Education Board of
3 Regents shall develop policies and procedures for conducting and
4 approving off-campus programming in an education center. Any
5 education center developed and established on or after November 6,
6 1990, except for any program for which funds have been specifically
7 earmarked by the Legislature for FY1990-91, shall be deemed
8 disapproved until approved as a new program by the ~~commission~~
9 board.

10 (9) Each public institution shall submit an institutional
11 facilities plan to the ~~commission~~ board subject to ~~commission~~ board
12 guidelines for the format and content of such plans. The
13 ~~commission~~ board shall review each institutional facilities plan to
14 ensure (a) consistency with the comprehensive statewide plan,
15 statewide facilities plan, and institutional role and mission
16 assignments and (b) identification of unnecessary duplication of
17 facilities. The ~~commission~~ board may recommend modifications to
18 the institutional facilities plans and may require submission of
19 periodic updates of the institutional facilities plans.

20 (10) ~~Governing boards~~ Public institutions shall submit
21 all proposed capital construction projects which utilize tax funds
22 designated by the Legislature to the ~~commission~~ board for review
23 and approval or disapproval. The ~~commission~~ board shall review,
24 monitor, and approve or disapprove each such capital construction
25 project to provide compliance and consistency with the statewide
26 facilities plan and the comprehensive statewide plan and to prevent
27 unnecessary duplication of capital facilities. The ~~commission~~
28 board may disapprove a project only on the basis of a finding by

1 the ~~commission~~ board that the project (a) does not comply or is
2 inconsistent with one or more provisions of the statewide
3 facilities plan or other relevant provisions of the comprehensive
4 statewide plan or (b) will result in unnecessary duplication of
5 capital facilities. All capital construction projects in existence
6 or receiving appropriations prior to January 1, 1992, shall be
7 deemed approved.

8 (11) In fulfilling its program and project approval
9 activities prescribed in this section, the ~~commission~~ board shall
10 recognize educational activities among all segments of
11 postsecondary education and take into account the educational
12 programs, facilities, and other resources of both public and
13 independent and private postsecondary educational institutions.

14 (12) Any program which is authorized by action of the
15 Legislature or any board of governors for a community college area
16 ~~or a governing board~~ and which is not in existence prior to January
17 1, 1992, shall not become operative unless and until such program
18 has been approved by the ~~commission~~ Higher Education Board of
19 Regents pursuant to this section.

20 Sec. 16. Section 85-1415, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 85-1415. ~~Consistent with the authority granted to the~~
23 ~~Legislature pursuant to Article XIII, section 1, of the~~
24 ~~Constitution of Nebraska, the commission~~ The board shall review all
25 capital construction projects proposed by the ~~Board of Regents of~~
26 ~~the~~ University of Nebraska and ~~the Board of Trustees of the~~
27 Nebraska State Colleges pursuant to sections 85-404 and 85-408.
28 ~~Such boards~~ The university or a state college shall submit all such

1 projects to the ~~commission~~ board for review. Within sixty days
2 from the date of submission of a proposed project, the ~~commission~~
3 board shall take action by recommending that the Legislature or the
4 Executive Board of the Legislative Council either approve or
5 disapprove the project. Following such action by the ~~commission~~
6 board, each such proposed project together with the ~~commission's~~
7 board's recommendation of approval or disapproval shall be
8 submitted by the ~~board~~ university or state college concerned to the
9 Legislature or, as applicable under sections 85-404 and 85-408, to
10 the Executive Board of the Legislative Council. The Legislature
11 or, as applicable under sections 85-404 and 85-408, the Executive
12 Board of the Legislative Council shall thereafter take action to
13 approve or disapprove the proposed project. All projects
14 authorized prior to January 1, 1992, shall be deemed approved.

15 Sec. 17. Section 85-1416, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 85-1416. (1) ~~Pursuant to the authority granted in~~
18 ~~Article VII, section 14, of the Constitution of Nebraska and the~~
19 ~~Coordinating Commission for Postsecondary Education Act, the~~
20 ~~commission~~ The board shall review and modify, if needed to promote
21 compliance and consistency with the comprehensive statewide plan
22 and prevent unnecessary duplication, the budget requests of the
23 ~~governing boards~~ university system, the state college system, and
24 the community college areas.

25 (2)(a) At least thirty days prior to submitting to the
26 Governor their biennial budget requests pursuant to section 81-1113
27 and any major deficit appropriation requests pursuant to
28 instructions of the Department of Administrative Services, the

1 ~~Board of Regents of the~~ University of Nebraska and the ~~Board of~~
2 ~~Trustees of the~~ Nebraska State Colleges shall each submit to the
3 ~~commission board~~ an outline of its proposed operating budget. The
4 outline of its proposed operating budget or outline of proposed
5 state aid request shall include ~~these~~ information summaries
6 ~~provided to the institution's governing board~~ describing the
7 respective institution's budget for the next fiscal year or
8 biennium. The outline shall contain projections of funds necessary
9 for (i) the retention of current programs and services at current
10 funding levels, (ii) any inflationary costs necessary to maintain
11 current programs and services at the current programmatic or
12 service levels, and (iii) proposed new and expanded programs and
13 services. In addition to the outline, an institution may provide
14 to the ~~commission board~~ any other supporting information at the
15 request of the ~~commission board~~ or otherwise to identify the major
16 components necessary for the ~~commission board~~ to determine the
17 public institution's compliance and consistency with the
18 comprehensive statewide plan and the existence of any unnecessary
19 duplication.

20 (b) On September 15 of each biennial budget request year,
21 the boards of governors of the community colleges or their
22 designated representatives shall submit to the ~~commission board~~
23 outlines of their proposed state aid requests pursuant to sections
24 85-1536 and 85-1537.

25 (c) The ~~commission board~~ shall analyze institutional
26 budget priorities in light of the comprehensive statewide plan,
27 role and mission assignments, and the goal of prevention of
28 unnecessary duplication. The ~~commission board~~ shall submit to the

1 Governor and Legislature by October 15 of each year recommendations
2 for approval or modification of each budget request together with a
3 rationale for each such recommendation. The analysis and
4 recommendations by the ~~commission~~ board shall focus on budget
5 requests for new and expanded programs and services and major
6 statewide funding issues or initiatives as identified in the
7 comprehensive statewide plan. If an institution does not comply
8 with the ~~commission's~~ board's request pursuant to subdivision (a)
9 of this subsection for additional budget information, the
10 ~~commission~~ board may so note the refusal and its specific
11 information request in its report of budget recommendations. The
12 ~~commission~~ board shall also provide to the Governor and the
13 Appropriations Committee of the Legislature on or before October 1
14 of each even-numbered year a report identifying public policy
15 issues relating to student tuition and fees, including the
16 appropriate relative differentials of tuition and fee levels
17 between the sectors of public postsecondary education in the state
18 consistent with the comprehensive statewide plan.

19 (3) At least thirty days prior to submitting to the
20 Governor their biennial budget requests pursuant to section 81-1113
21 and any major deficit appropriation requests pursuant to
22 instructions of the Department of Administrative Services, the
23 ~~Board of Regents of the~~ University of Nebraska and the ~~Board of~~
24 ~~Trustees of the~~ Nebraska State Colleges shall each submit to the
25 ~~commission~~ board information the ~~commission~~ board deems necessary
26 regarding ~~each board's~~ the university's or state college's capital
27 construction budget requests. The ~~commission~~ board shall review
28 the capital construction budget request information and may

1 recommend to the Governor and the Legislature modification,
2 approval, or disapproval of such requests consistent with the
3 statewide facilities plan and any project approval determined
4 pursuant to subsection (10) of section 85-1414 and to section
5 85-1415. The ~~commission~~ board shall develop from a statewide
6 perspective a unified prioritization of individual capital
7 construction budget requests for which it has recommended approval
8 and submit such prioritization to the Governor and the Legislature
9 for their consideration. In establishing its prioritized list, the
10 ~~commission~~ board may consider and respond to the priority order
11 established by the ~~Board of Regents or the Board of Trustees~~
12 university or state colleges in their respective capital
13 construction budget requests.

14 (4) Nothing in this section shall be construed to affect
15 other constitutional, statutory, or administrative requirements for
16 the submission of budget or state aid requests by the ~~governing~~
17 ~~boards~~ public institutions to the Governor and the Legislature.

18 Sec. 18. Section 85-1418, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 85-1418. (1) No state warrant shall be issued by the
21 Department of Administrative Services or used by any public
22 institution for the purpose of funding any program or capital
23 construction project which has not been approved or which has been
24 disapproved by the commission pursuant to the ~~Coordinating~~
25 ~~Commission for~~ Postsecondary Education Coordination Act. If state
26 funding for any such program or project cannot be or is not divided
27 into warrants separate from other programs or projects, the
28 department shall reduce a warrant to the public institution which

1 includes funding for the program or project by the amount of tax
2 funds designated by the Legislature which are budgeted in that
3 fiscal year by the public institution for use for the program or
4 project.

5 (2) The department may reduce the amount of state aid
6 distributed to a community college area pursuant to sections
7 85-1536 and 85-1537 by the amount of funds used by the area to
8 provide a program or capital construction project which has not
9 been approved or which has been disapproved by the ~~commission~~
10 board.

11 (3) The district court of Lancaster County shall have
12 jurisdiction to enforce an order or decision of the ~~commission~~
13 board entered pursuant to the ~~Coordinating Commission for~~
14 Postsecondary Education Coordination Act and to enforce this
15 section.

16 (4) Any person or public institution aggrieved by a final
17 order of the ~~commission~~ board entered pursuant to section 85-1413,
18 85-1414, 85-1415, or 85-1416 shall be entitled to judicial review
19 of the order. Proceedings for review shall be instituted by filing
20 a petition in the district court of Lancaster County within thirty
21 days after public notice of the final decision by the ~~commission~~
22 board is given. The filing of the petition or the service of
23 summons upon the ~~commission~~ board shall not stay enforcement of
24 such order. The review shall be conducted by the court without a
25 jury on the record of the ~~commission~~ board. The court shall have
26 jurisdiction to enjoin enforcement of any order of the ~~commission~~
27 board which is (a) in violation of constitutional provisions, (b)
28 in excess of the constitutional or statutory authority of the

1 ~~commission board~~, (c) made upon unlawful procedure, or (d) affected
2 by other error of law.

3 (5) A party may secure a review of any final judgment of
4 the district court by appeal to the Court of Appeals. Such appeal
5 shall be taken in the manner provided by law for appeals in civil
6 cases and shall be heard de novo on the record.

7 Sec. 19. Section 85-1419, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 85-1419. There is hereby created the ~~Coordinating~~
10 ~~Commission for~~ Postsecondary Education Coordination Cash Fund. The
11 fund shall contain money received from application fees from
12 out-of-state institutions of higher and postsecondary education
13 seeking authorization to offer courses and programs in the State of
14 Nebraska and from private colleges seeking provisional
15 accreditation and money received by the ~~commission board~~ for
16 services rendered incident to the administration of its statutory
17 or contractual functions. The fund shall be expended for the
18 administrative costs of reviewing applications, publishing and
19 duplicating reports, coordinating studies, conducting conferences,
20 and other related activities as may be authorized by the
21 Legislature or by contract. All such money received by the
22 ~~commission board~~ shall be remitted to the State Treasurer for
23 credit to the fund. A report on the receipts and expenditures from
24 the fund shall be included as a part of the operating budget
25 request submitted to the Legislature and the Governor. Any money
26 in the fund available for investment shall be invested by the state
27 investment officer pursuant to the Nebraska Capital Expansion Act
28 and the Nebraska State Funds Investment Act. Any money in the

1 Coordinating Commission for Postsecondary Education Cash Fund on
2 the effective date of this section shall be transferred to the
3 Postsecondary Education Coordination Cash Fund on such date.

4 Sec. 20. Section 85-1420, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 85-1420. There is hereby created the ~~Coordinating~~
7 ~~Commission for~~ Postsecondary Education Coordination Trust Fund.
8 The fund shall serve as a revolving fund to receive grants from
9 foundations and institutions for specific studies which are a part
10 of the powers and duties of the ~~commission board~~. The grant money
11 shall be used only for purposes specified in the grant. A report
12 of the findings of any studies done pursuant to the grants shall be
13 included as a part of the operating budget request submitted to the
14 Legislature and the Governor. Any money in the fund available for
15 investment shall be invested by the state investment officer
16 pursuant to the Nebraska Capital Expansion Act and the Nebraska
17 State Funds Investment Act. Any money in the Coordinating
18 Commission for Postsecondary Education Trust Fund on the effective
19 date of this section shall be transferred to the Postsecondary
20 Education Coordination Trust Fund on such date.

21 Sec. 21. Sections 1 to 5, 21, and 22 of this act become
22 operative on their effective date. The other sections of this act
23 become operative January 23, 2003.

24 Sec. 22. Original sections 32-510, 85-103, and
25 85-103.01, Reissue Revised Statutes of Nebraska, are repealed.

26 Sec. 23. Original sections 85-301, 85-1401, 85-1402,
27 85-1404, 85-1409 to 85-1416, and 85-1418 to 85-1420, Reissue
28 Revised Statutes of Nebraska, are repealed.